

# Exhibit 4

TROUTMAN PEPPER HAMILTON SANDERS LLP  
TWO CALIFORNIA PLAZA  
350 SOUTH GRAND AVENUE  
SUITE 3400  
LOS ANGELES, CA 90071-3427

TROUTMAN PEPPER HAMILTON SANDERS LLP  
Luke N. Eaton (SBN 280387)  
E-mail: luke.eaton@troutman.com  
Two California Plaza  
350 South Grand Avenue, Suite 3400  
Los Angeles, CA 90071-3427  
Telephone: 213.928.9800  
Facsimile: 213.928.9850

Harris B. Winsberg (admitted *pro hac vice*)  
E-mail: harris.winsberg@troutman.com  
Alexandra S. Peurach (admitted *pro hac vice*)  
E-mail: Alexandra.Peurach@troutman.com  
Nathaniel T. DeLoatch (admitted *pro hac vice*)  
E-mail: nathan.deloatch@troutman.com  
600 Peachtree Street, NE, Suite 3000  
Atlanta, GA 30308  
Telephone: 404.885.3000  
Facsimile: 404.885.3900

Attorneys for Plaintiff  
BAY POINT CAPITAL PARTNERS II, LP

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION

In re

JONATHAN L. SMITH,  
  
Debtor.

BAY POINT CAPITAL PARTNERS II,  
LP,

Plaintiff,

v.

JONATHAN L. SMITH,  
  
Debtor-Defendant.

Case No. 2:21-bk-12542-BR

Chapter 7

Adversary No. 2:21-ap-01116-BR

**DECLARATION OF MARSHALL GLADE  
IN SUPPORT OF BAY POINT CAPITAL  
PARTNERS II, LP'S MOTION FOR  
ENTRY OF DEFAULT JUDGMENT ON  
NON-DISCHARGEABILITY OF DEBT  
PURSUANT TO 11 U.S.C. § 523(a)(2)(A)  
AGAINST DEBTOR-DEFENDANT.**

I, Marshall Glade, declare as follows:

TROUTMAN PEPPER HAMILTON SANDERS LLP  
TWO CALIFORNIA PLAZA  
350 SOUTH GRAND AVENUE  
SUITE 3400  
LOS ANGELES, CA 90071-3427

1           1.       I am over the age of 18 years and am competent and qualified to execute this  
2 declaration. I have personal knowledge as to all matters set forth herein.

3           2.       I submit this Declaration in support of Bay Point's Motion for Default Judgment  
4 on Non-Dischargeability of Debt Pursuant to 11 U.S.C. § 523(a)(2)(A).

5           3.       I currently serve as a Managing Director of Glass Ratner Advisory & Capital  
6 Group LLC d/b/a B. Riley Advisory Services ("**B. Riley**"). I am a Certified Public Accountant  
7 (CPA) with over 14 years of experience.

8           4.       I was retained by Bay Point Capital Partners II, LP ("**Bay Point**") in connection  
9 with a lawsuit filed by Bay Point on January 22, 2021 in the United States District Court for the  
10 Northern District of Georgia, *Bay Point Capital Partners II, LP v. Hoplite, Inc. et al.*, No. 1:21-  
11 cv-00375-MLB (N.D. Ga.) (the "**District Court Action**"). Specifically, I was designated by Bay  
12 Point to serve as its agent in carrying out the terms of the Court's Order on Bay Point's Motion  
13 for Appointment of a Receiver in the District Court Action.

14           5.       In connection with the District Court Action and carrying out the terms of the  
15 Court's Order, I reviewed and analyzed the Books and Records of Hoplite, Inc. and Hoplite  
16 Entertainment, Inc. (as defined in the Court's Order), prepared declarations for the District Court  
17 regarding the findings of my analyses, and prepared to testify as to the Debtor's compliance with  
18 the Court's Order. Two other B. Riley professionals assisted me on this matter, and I supervised  
19 their work.

20           6.       As detailed on **Exhibit A** attached hereto, Bay Point incurred, and has paid,  
21 \$21,370.00 in fees for the work performed by me and my firm in connection with the District  
22 Court Action from February 1 – March 30, 2021.

23           7.       B. Riley billed Bay Point for work on this matter at standard hourly rates  
24 established for each employee who works at the firm. Those rates reflect the relative experience  
25 and expertise of each professional. B. Riley delegates work to professionals with the appropriate  
26 level of seniority, and further distributes work among the team as-needed depending on timing  
27 and various priorities of the matter. The hourly rates that applied to this particular matter as, as  
28

1 reflected in Exhibit A: Marshall Glade, Managing Director, \$425.00/hour; Ryan Gustafsen,  
2 Associate, \$250.00/hour; and Janet Pritchard, Analyst, \$160.00/hour.


3 8. Based on my experience, and in my opinion, the standard hourly billing rates are  
4 in line with the usual and customary rates charged by similarly-qualified professionals.

5 9. I have personal knowledge of the work that was performed and reflected in Exhibit  
6 A. Based on my experience and knowledge, the time spent was reasonable and necessary.

7 10. I reserve the right to supplement the evidence showing its attorneys' fees and  
8 expenses incurred in preparing and pursuing its motion.

9 Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is  
10 true and correct.

11 Executed on September 14, 2021, at Atlanta, Georgia.

12   
13 \_\_\_\_\_  
14 Marshall Glade  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# EXHIBIT A

**B | RILEY**  
*Advisory Services*

*Formerly known as GlassRatner Advisory & Capital Group LLC*

April 27, 2021

Invoice # : 56399

CHARLES ANDROS  
BAY POINT ADVISORS, LLC  
3050 PEACHTREE RD.  
SUITE 740  
ATLANTA GA 30305

In Reference To: **Hoplite**

For professional services rendered during the period February 1, 2021 through April 1, 2021

**Billing Recap by Professional**

Name	Hours	Rate
Marshall Glade, CPA	36.40	425.00
Ryan Gustafsen	23.30	250.00
Janet Pritchard	25.50	160.00

	Hours	Amount
Subtotal of charges		\$25,375.00
Courtesy Discount		(\$2,730.00)
Total Professional Service Fees	85.20	\$22,645.00

Balance due	\$22,645.00
-------------	-------------

**Thank you for working with B. Riley Advisory, we don't take our clients for granted.**

For our wiring instructions, please contact B. Riley Advisory directly using the contact information below.

Tax ID Number: 83-1277218

*Payments can be made payable to GlassRatner Advisory & Capital Group, LLC and sent to the address below*

3445 Peachtree Rd., NE, Suite 1225 | Atlanta, GA 30326 | Tel: 470.346.6800 Fax: 470.346.6804 | [www.glassratner.com](http://www.glassratner.com)

**Professional Services Detail**

			Hours
2/10/2021	M. Glade	Attend receiver hearing	3.00
2/12/2021	M. Glade	Review order; request documents from Mr. Smith and Accountant; exchange emails with counsel to Mr. Smith	1.20
2/17/2021	R. Gustafsen	Discussion with M Glade on Bank Statement Scheduling.	0.40
	R. Gustafsen	Indexing of Bank and Credit Card statements from produced documents.	3.50
2/18/2021	J Pritchard	Prepare reconstruction of Wells Fargo Account 5546. (In process).	0.50
	J Pritchard	Prepare reconstruction of Wells Fargo Account 2949.	1.50
	J Pritchard	Prepare reconstruction of Wells Fargo Account 5559 (complete). Zoom meeting with M. Glade and R. Gustafsen.	4.50
	R. Gustafsen	Discussion with M Glade on on going tasks	0.30
	R. Gustafsen	Indexing and review of documents received.	7.00
2/19/2021	J Pritchard	Prepare reconstruction of Wells Fargo Account 5731. (In process). Telephone conference with M. Glade.	4.50
	R. Gustafsen	Financial statement analysis.	6.00
2/22/2021	J Pritchard	Prepare reconstruction of Wells Fargo Account 5546. (In process).	0.60
	J Pritchard	Continue to update List of Accounts with information from R. Gustafson.	5.50
2/23/2021	J Pritchard	Prepare reconstruction of Wells Fargo Account 5731. (Complete). Telephone conference with M. Glade. Supplement reconstructed data with data from check copies. Prepare reconstruction of Wells Fargo Account 5546. (In process).	0.80
	R. Gustafsen	Discussion with M Glade on new analysis tasks	0.10
2/24/2021	R. Gustafsen	WIP: Bank Reconciliation analysis	0.80
	M. Glade	Index materials received; draft correspondence with Big Media, Screen Media and Fight Channel	1.20
2/25/2021	J Pritchard	Review documents received; upload by category and assign nomenclature. Prepare Index of Documents Received and Relied On.	3.40
	R. Gustafsen	WIP: Bank Reconciliation analysis	2.00
2/26/2021	R. Gustafsen	Discussion with M Glade on Bank Analysis	0.30
	M. Glade	Review bank reconstruction documents; review document index list; draft email to J Smith counsel	1.40
3/1/2021	R. Gustafsen	Analysis and review of receivables.	0.70
	R. Gustafsen	Updated Financial analysis to include July 2020 data.	2.00
	M. Glade	Analyze financial statements	0.40
	M. Glade	Call with D Weeks	0.80
3/2/2021	M. Glade	Analyze Balance Sheets; draft email to J Smith counsel	0.30
3/9/2021	R. Gustafsen	Discussion with M Glade on analysis findings.	0.20
3/10/2021	M. Glade	Summarize F/S and bank statement findings	4.00
3/11/2021	J Pritchard	Download documents received from counsel. Review, sort and upload documents.	2.20
3/18/2021	M. Glade	Review Jon Smith Deposition	1.50
3/19/2021	M. Glade	Continue reivew of Jon Smith Deposition; begin Declaration write-up	2.00
3/22/2021	J Pritchard	Update Index of Documents Received to include documents provided by counsel on 2021.03.05.	2.00
	M. Glade	Declaration Write-Up	6.00
3/23/2021	M. Glade	Edits to Declaration Write-Up	3.00
3/24/2021	M. Glade	Attend Hoplite hearing	1.70
3/25/2021	M. Glade	Review documents requested for completeness; provide email to counsel regarding missing documents	2.00
3/26/2021	M. Glade	Call with Ruslan Magidov	0.60
	M. Glade	Research new bank statements, analyze financials	0.80
3/29/2021	M. Glade	Further analysis of updated documents; begin potential draft of declaration	2.00
3/30/2021	M. Glade	Prepare for Hearing	1.50